

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK**

----- x
MARC LATAMIE.

Plaintiff,

vs

BENRIMON CONTEMPORARY LLC, DAVID
BENRIMON FINE ART LLC, LEON
BENRIMON, and DAVID BENRIMON

Defendants.
----- x

Case No. 14 Civ. 7554 (KBF)

**AFFIDAVIT OF
MARC LATAMIE**

STATE OF NEW YORK }
 } ss.:
COUNTY OF NEW YORK }

The undersigned, being duly sworn, deposes and states the following:

1. I am over 18 years old and competent to make this Affidavit. I am the plaintiff in the above-captioned action, and I am therefore fully familiar with the facts set forth herein. I submit this Affidavit in response to Defendants' submission titled Declaration of Scott A. Grauman, Esq. in Support of Motion to Dismiss (the "Grauman Declaration").

2. I have read the Grauman Declaration and am familiar with the assertions made therein.

3. I have personal knowledge of the facts set forth herein. The facts set forth herein are true and correct to the best of my knowledge, information, and belief. Capitalized terms that are not defined herein bear the same meaning as in the Complaint.

4. I submit this Affidavit to provide certain additional facts that were not set forth in the Complaint and in my first Declaration dated December 16, 2014. These facts principally

respond to what I understand are the arguments that Defendants advance in the Grauman Declaration, which is that (i) I am the resident of New York for the purposes of jurisdiction and that (ii) DM Fountain and not I was the party that contracted with Benrimon Contemporary to purchase the Artwork.

5. I am a citizen of France. I do not and have not at any time been granted lawful permanent residence in the U.S. I hold a class A-2 non-immigrant visa.

6. I entered into the agreement with Benrimon Contemporary in my individual capacity and on my own behalf, and not on behalf of DM Fountain. I never represented that I was negotiating or contracting on behalf of DM Fountain.

7. I subsequently made payments from accounts in the name of DM Fountain purely as a matter of convenience, since those accounts were used merely as pass-through and for convenience as they were already registered in the U.S.

8. While 217 Thompson Street address has no current connection either to me or to DM Fountain (and I did not provide it to Benrimon Contemporary), it was the address used to register DM Fountain with the New York State Department of State, Division of Corporations. However, all of my communications with the Benrimons have been sent from my personal address.


WHEREFORE, this Court should deny Defendants' motion in its entirety.

Pursuant to 28 U.S.C. § 1746, I hereby certify and declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct to the best of my knowledge.

Dated: January 8, 2015


MARC LATAMIE

Sworn to before me this
8th day of January, 2015


Notary Public

